

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 8, 2006 – 8:00 a.m.
Embassy Suites
2577 W. Greenway Road.
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner Jennifer L. Martin

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Melton called the meeting to order at 8:05 a.m. The Commissioners introduced themselves and Chairman Melton introduced Steve Ferrell, Deputy Director as Acting Director and the Director's staff. Director Shroufe was attending a meeting at the Governor's Office and arrived at this meeting at 10:30 a.m. This meeting followed an agenda revision dated September 1, 2006.

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Awards and Commissioning of Officers

Don Johnson, Arizona Desert Bighorn Sheep Society (ADBSS), and on behalf of all the participating organizations, presented the Commission with a ceremonial check in the amount of \$515,085.57 from the Arizona Big Game Super Raffle. Mr. Johnson further briefed the Commission on the organizations' activities and plans to increase next year's fund raising amount to over \$1,000,000.

There were no officers commissioned at this time.

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1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on Department legislative activities conducted during the off season. Several Legislators were taken to the Buenos Aires National Refuge to view habitat damage caused by illegal traffic in the area. Several JLBC staff were taken to Northern Arizona to look at several Department projects, including condor reintroduction, Colorado River projects, planned renovations for the Flagstaff Regional Office and House Rock Wildlife Area.

In regards to Off-Highway Vehicle (OHV) legislation, the Department has been moving forward with this legislation as directed by the Commission at the August Commission meeting. Mike Senn, Assistant Director, Field Operations, briefed the Commission using a Power Point

presentation on proposed OHV Legislation written by the OHV Legislative Work Group. A copy of the draft legislation was provided to the Commission.

Commissioner Hernbrode noted that the Legislative Work Group needed to include a broader segment of the public including the environmental community, to which Mr. Senn stated that efforts were being made to incorporate other groups and broaden the Work Groups perspectives.

Commissioner McLean expressed concern in regards to the new positions needed if the Department takes the lead in enforcing OHV regulations and he cautioned against taking anything away from other programs.

Mr. Senn stated that the intent is for the Department to increase the time spent on OHV law enforcement by an equivalent of six positions throughout the entire state. The Department is proposing to compensate for the increase in time spent on OHV law enforcement by moving six wildlife manager training positions that are currently stationed in headquarters out to the regions.

Mr. Ferrell added that the OHV fund is not an appropriated fund, so if the Commission chose, they could establish those positions from the OHV fund.

The Commission and Mr. Senn further discussed the need to get user groups on board with this legislation. Ten public meetings will be scheduled around the State to educate OHV users and the public about the legislation. It was also discussed that the legislation would be pulled off the table if unacceptable changes were made to the legislation.

Commissioner Martin noted that the ranching community needed to be included along with the users groups.

The Commission and Mr. Guiles further discussed identifying the challenges of this legislation and strategies for moving forward. The Commission reached a consensus for the Department to continue moving forward with this legislation.

Commissioner Hernbrode requested, in regards to other ballot propositions, that the Commission review and have public discussion at the next Commission meeting and that the Commission decide to support or oppose those ballot propositions.

Commissioner Golightly requested an updated email list of constituents and supporters of specific legislative proposals.

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8. Presentation of Memorandum of Understanding for Collaborative Forest Ecosystem Restoration Efforts (including Addendum #1 and Addendum #2), a renewed cooperative framework for the "Natural Resource Working Group" in Region I.

Presenter: Jon Cooley, Pinetop Regional Supervisor

The Arizona Game and Fish Department has been an active participant on the White Mountain Natural Resources Working Group (Working Group), which was formed by participants to the

original 1994 Cooperative Agreement to achieve the purposes stated in the initial agreement. Since then, additional participants have joined the Working Group and the scope of the collaboration has broadened to include programs and projects with the overriding vision of an ecologically-based, sustainable multiple-use forested land management framework that provides for the use of natural and prescribed fire and mechanical treatments. All Federal Agencies have responsibility and are directed to utilize their authorities, in cooperation with State and local governments, conservation organizations and others to protect, maintain, restore and enhance public and private lands through collaborative ecosystem management efforts. The overall objectives are improved biological diversity at the landscape scale, a consistent, diverse local resource-based economy, and an increased awareness by the Cooperators and the public of naturally functioning forested ecosystems. The Working Group recognized the need to approach these forest restoration efforts from an increased collaborative perspective, resulting from Arizona's growing demands for forest-related products, services, and amenities and associated changing societal values. This MOU is intended to expand the cooperation and scope of the Pilot Ecosystem Management Demonstration Project outlined in the Cooperative Agreement No. 0301-95-CA-002, made effective November 2, 1994, and the Ecosystem Management Pilot Testing Project Cooperative Agreement No. 0301-98-CA-008 made effective December 12, 1997. It is the goal of listed MOU Cooperators to provide a mechanism to develop, coordinate, and implement ecosystem management activities in eastern Arizona. It is also the goal of the Cooperators to encourage interested parties to work together, share resource management information, and develop complimentary policies, procedures, and methodologies where possible.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE DEPARTMENT EXECUTION/ACCEPTANCE OF THE MEMORANDUM OF UNDERSTANDING FOR COLLABORATIVE FOREST ECOSYSTEM RESTORATION EFFORTS (including Addendums #1 and #2).

Vote: Unanimous

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2. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto.

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addressed decisions or activities since the August 2006 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Commissioner McLean commented on concerns about the last item in the report, Buckeye Annexation, and stated that the use of firearms and hunting may be banned in areas that should remain open to hunting. Commissioner McLean requested that Mr. Broscheid work with the Attorney General on any restrictions that may be imposed.

Commissioner Melton suggested working on some type of statewide agreement that would allow hunting in areas annexed by cities and towns.

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3. Statewide Shooting Range Briefing

Presenter: Ty Gray, Education Branch Chief

The Commission was provided with an update prior to this meeting of Department activities related to shooting range support and development statewide. The update covered activities that occurred since the August 2006 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Gray further briefed the Commission on the status of the construction of the Ben Avery Shooting Facility (BASF) Hunter Education Range. The total cost to complete the project is \$165,000. There may be some donated material and labor, which would be used to offset the cost. The Department is seeking a grant to cover \$45,000 for the restroom.

Motion: Golightly moved and Martin and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF \$165,000 FROM THE BEN AVERY RIGHT-OF-WAY FUNDS TO COMPLETE THE BEN AVERY SHOOTING FACILITY HUNTER EDUCATION RANGE PROJECT.

Vote: Unanimous

Mr. Gray further briefed the Commission on the St. Johns Shooting Range. The landowner of the adjacent land is transferring the land to another family member. The final transfer should be complete in three weeks. The Department will set up a meeting with the new landowner, Apache County and the Club to discuss potential Department acquisition of the property.

In regards to the Northern Arizona Shooting Range, Mr. Gray used a Power Point presentation to brief the Commission on the status of the development of that range. The final report on the sound study was received on August 28, and was the same as the preliminary report provided to the Commission at the June Commission meeting.

Commissioner Golightly pointed out in the report that at Munds Park, the noise from the freeway was measurable on the testing device and the shooting test fire was not.

Commissioner McLean suggested that this kind of technical report be provided in a more understandable way such as making some comparisons to what a 50-decibel sound is like.

Commissioner Golightly requested that the report be mailed to every resident in Munds Park by next week.

Public Comment

Blaine Bickford, White Mountain Rod and Gun Club, Round Valley Scholastic Clay Target Program and the Round Valley Junior Shooting Sports, addressed the Commission requesting that the Commission request a Special Use Permit from the U.S. Forest Service on the Apache Sitgraves National Forest, Springerville District, for a shooting range.

Motion: Hernbrode moved and Melton seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO COMPOSE AND SEND A LETTER TO THE FOREST SERVICE SUPERVISOR FOR APACHE SITGRAVES FOREST, SPRINGERVILLE DISTRICT, TO ISSUE THE ARIZONA GAME AND FISH DEPARTMENT A SPECIAL USE PERMIT IN THE DEVELOPMENT AND OPERATION OF A SHOOTING RANGE.

Commissioners Martin, McLean and Golightly requested more information on what a Special Use Permit is and input from the Attorney General's Office on the legal significance when one is used for a shooting range.

Chairman Melton withdrew his second.
Commissioner Hernbrode withdrew his motion.

The Commission gave a consensus to direct the Department to investigate and bring this back to the Commission, and to add the Springerville Shooting Range to the Shooting Range Update.

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Meeting recessed for a break at 9:51 a.m.

Meeting reconvened at 10:17 a.m.

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4. Update on the Scholastic Clay Target Program.

Presenter: Dana Yost, Assistant Director, Information and Education Division

Using a Power Point presentation, Mr. Yost provided the Commission with an update on the Scholastic Clay Target Program (SCTP), which included the history of the program starting in January 2004, program developments and accomplishments, future goals and benefits, and budget requirements. The Department requested \$193,000 from WCF monies to provide budget support to the SCTP program for Fiscal Year 2007.

Commissioner Golightly confirmed with Mr. Yost that this was the third year of the program and that the Commission's commitment to fully funding this program for three years will now be fulfilled.

The Commission further discussed potential sponsors for the SCTP program.

Public Comment

Blaine Bickford expressed his support for the SCTP program and thanked the Commission for their support.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF \$193,000 FROM WCF MONIES TO PROVIDE BUDGET SUPPORT TO THE SCHOLASTIC CLAY TARGET PROGRAM FOR FY07, AND THAT THE DEPARTMENT CONTINUE TO WORK WITH THE NEW FOUNDATION TO HELP AUGMENT THAT AND THAT THE COMMISSION CONTINUE TO GIVE THAT SUPPORT.

Vote: Unanimous

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5. Update on the Ben Avery Shooting Facility Clay Target Center

Presenter: Dana Yost, Assistant Director, Information and Education Division

Mr. Yost provided the Commission with an update on Department activities related to the Ben Avery Shooting Facility Clay Target Center (CTC). Also provided were updated budget projections for the CTC and a request for funding for facility renovation. The Department is on target to assume CTC operations on September 18, 2006. Using a Power Point presentation, Mr. Yost provided pictures of the existing facility and highlighted renovation needs. The total amount requested for renovation was \$1,326,000. The breakdown for that amount was as follows:

- \$700,000 Electrical renovation
- \$ 92,000 Shade Canopies
- \$102,000 Warehouse and maintenance facility
- \$ 30,000 Facility signage
- \$ 72,000 Trap house replacement
- \$ 55,000 Skeet house renovation
- \$275,000 100 space RV parking area

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF \$1,326,000 FROM THE BEN AVERY RIGHT-OF-WAY MONIES FOR THE RENOVATION OF THE BEN AVERY CLAY TARGET CENTER, AS PRESENTED.

Vote: Unanimous

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6. Renewal of a Road Closure on State Trust Land Southwest of Tucson, Arizona

Presenter: Mark Weise, Development Branch Chief

In 1995, Mr. John King requested a closure to vehicular access on State Trust lands in Pima County. The Arizona Game and Fish Commission granted this closure at that time and renewed the closure in 2001 with concurrence from the Arizona State Land Department.

The closure has been successful in alleviating concerns regarding people camping and parking near two water sources. It has also preserved the quality of hunting on Saucito Mountain and hunters often access the area by foot in pursuit of game. A good working relationship between the King's Anvil Ranch and Department personnel has developed and has led to habitat enhancement projects. Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

Most hunters park their vehicles at a gate approximately $\frac{3}{4}$ of a mile before the closure because the road is in very bad shape. A sign has been installed at that gate warning the public of the poor road conditions, and that they travel at their own risk.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY THIRTY MILES SOUTHWEST OF TUCSON.

Vote: Unanimous

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7. Renewal of a Road Closure on State Trust Land South of Winslow, Arizona

Presenter: Mark Weise, Development Branch Chief

In 1978, the manager of the Clear Creek Ranch requested a closure to vehicular access on State Trust lands in Coconino County. The Arizona Game and Fish Commission granted this closure at that time and renewed the closure in 2001 with concurrence from the Arizona State Land Department. The closure allowed the locking of five gates that access the ranch – one gate is for cattle and has no road associated with it, another has only a wildcat road that goes 0.1 mile to a dirt tank. The remaining three gates included in the closure have roads that can be accessed by sportsmen after properly signing in at the ranch headquarters and obtaining the designated lock combinations.

The closure has been successful in reducing damage to soils and vegetation due to off-road travel. It has also allowed wildlife, such as pronghorn, to escape the constant vehicle pressure often experienced elsewhere with Arizona's vast road systems. Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

The ranch welcomes public access as long as visitors check in at the ranch headquarters. A good working relationship between the Hopi Tribe, ranch managers, and Department personnel has developed and has led to the completion of the first ever hunter access agreement with the Hopi Tribe. Additional habitat enhancement projects are being planned. The Clear Creek Ranch has also begun allowing camping in designated areas. Arizona hunters gain an estimated \$67,440 of benefit per year from access to the Hopi ranches that exist in Region II.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES SOUTH OF WINSLOW.

Vote: Unanimous

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9. State Trust Land Ballot Propositions

Presenter: Anthony Guiles, Legislative Liaison

In 1910, the United States Congress passed the Arizona-New Mexico Enabling Act, allowing Arizona to become a state. The Enabling Act granted Arizona 10.9 million acres of land, referred to as "state trust land", to be held in trust for the benefit of the named beneficiaries, primarily the public schools, as well as other public institutions (colleges, hospitals, prisons, etc.). Both the Enabling Act and the Arizona Constitution provide that the state can lease or sell trust land, and the natural products (timber, minerals, etc.) of the land, to the "highest and best bidder" at advertised public auction, and lands and products offered for sale must be appraised at and sold for not less than "true value". This year's election cycle has two ballot measures, Proposition 105 and Proposition 106, which would amend the Arizona Constitution reforming the state trust land system.

It was scheduled for supporters of the two competing ballot measures, Proposition 105 and Proposition 106, to each brief the Commission; however, supporters of Proposition 105 did not attend the meeting. Pat Graham, representing "Conserving Arizona's Future" was present and briefed the Commission on Proposition 106 using a Power Point presentation, and requested the Commission's endorsement of the proposition.

Public Comment

Thomas Hulen, representing himself, stated his support for Proposition 106.

Landis Aden, Arizona State Rifle and Pistol Association, expressed concern, particularly with the composition of the Board of Trustees in that all board members must have a background in education as stated in the proposition, and suggested the Commission wait to endorse the proposition until more information can be obtained.

The Commission discussed and asked questions about Proposition 106 with those present.

Motion: Martin moved and McLean, Hernbrode and Golightly seconded THAT THE COMMISSION VOTE TO ENDORSE PROPOSITION 106 "CONSERVING ARIZONA'S FUTURE."

Vote: Aye - Golightly, McLean, Hernbrode, Martin
Nay - Melton
Passed 4 to 1

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10. Call to the Public

None at this time.

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Meeting recessed for lunch at 12:08 p.m.

Meeting reconvened at 1:23 p.m.

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11. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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12. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Larry Voyles, Acting Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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13. Litigation Report

During Executive Session the Commission was briefed on the Zuni Water Rights Settlement Agreement that relates to the sever and transfer of water rights as part of that settlement and recommended that the Commission vote to approve the agreement.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE AND DIRECT THAT IT BE SIGNED WHEN THE LANGUAGE IS SATISFACTORY TO THE ATTORNEY GENERAL.

Vote: Unanimous

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14. Call to the Public

None at this time.

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Meeting recessed for a break at 2:52 p.m.

Meeting reconvened at 3:06 p.m.

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15. ALS Presentation

Jimmy Wilson, representing Sarah Wilson, President of Automated Licensing Services (ALS), Denny Bennett, Chief Financial Officer, and Douglas Gester, Chief of Information Technology, made a presentation to the Commission to address ALS's performance under a contract to provide services related to the online sale of licenses and the processing of big game permit applications. Mr. Wilson apologized to the Commission for ALS's failures and briefed the Commission on what has been done to correct those failures. Mr. Bennett stated that if the Commission directs the Department to discontinue doing business with them, they will not take an adversarial position; however, they want to continue doing business with the Department. Mr. Gester stated that the problem with the draw was identified and corrected, and further that ALS had made improvements and upgrades to their software.

Commissioner McLean confirmed with Mr. Gester that the Department was not responsible for the improvements and upgrades ALS made to their systems as a result of this situation.

The Commission discussed the possibility of the Department running their own draw.

Mr. Bennett stated that if the Commission chose to do that, then ALS would be willing to help the Department run their own draw, but would like to maintain the sale of the licenses.

Mr. Wilson requested that the Commission allow the Department to communicate with ALS.

Director Shroufe stated that he will discuss these issues with the attorneys and then advise the Commission. If the Commission chooses to give the Department further direction, a telephonic Commission meeting will be scheduled.

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16. 2006 Annual Commission Awards Selection

Presenter: Josh Avey, Executive Staff Assistant

Mr. Avey provided the Commission with an overview of the 2006 Commission award nominees prior to this meeting for review and consideration, and asked the Commission to select the 2006 Commission award recipients.

The Commission selected the following nominees as award recipients:

- Youth Environmentalist of the Year – Chad Kelliher
- Outdoor Writer of the Year – Margie Anderson
- Media of the Year - Country Mountain Airways

- Conservation Organization of the Year – Mogollon Sporting Association, Steve Booth, President
- Outdoor Women of the Year – Margaret Bohannon
- Conservationist of the Year – Robert F. Veazey
- Environmentalist of the Year – Michael J. (Mick) Rusing
- Volunteer of the Year – Tom and Thomas Taylor and Family
- Wildlife Habitat Stewardship Award – Jack Telles
- Educator of the Year – Linda Diamantides
- Award of Excellence – Terry Petko and Hunt of a Lifetime; Clair D. Harris, The Peregrine Fund (Condor Recovery Program), Beth Woodin, and State Senator Toni Hellon

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17. Director and Chairman's Report

Director Shroufe reported that he attended a Growing Smarter Oversight Committee meeting; sat on the Awards Committee for AFWA (the Department's recommendation received the Outstanding Landowner of the Nation Award); attended the Wildlife for Tomorrow banquet; attended the Commission Meeting Workshop at Sipes; attended the Annual Coordination Meeting with the U.S. Forest Service; attended a Wolf Meeting at Hon-dah; met with the Arizona Heritage Alliance and State Parks regarding future potential funding sources; and attended two Governor's Cabinet Growth Meetings. Director Shroufe further briefed that the Department co-chaired an Invasive Species Advisory Council Meeting and reported to the Governor on invasive species in the State; the Department has decided not to ask the Commission to change the location of the March 2007 Commission meeting; and Assistant Director of the Wildlife Management Division Bruce Taubert is retiring and Bob Broscheid has been selected as Mr. Taubert's successor.

Chairman Melton reported that he attended the Wildlife for Tomorrow banquet; attended the Commission Meeting Workshop at Sipes; spent a few days with the Southwest Habitat Partnership Committee; attended a dove hunt with his grandchildren and other youth.

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18. Commissioners' Reports

Commissioner Hernbrode attended the Hunter Education Round Table Meeting in Tucson; attended the Commission Meeting Workshop at Sipes; attended the Wolf Management Workshop at Hon-dah; attended the Heritage Alliance and State Parks discussion of future funding; attended a focus group with hunters and recreational shooters.

Commissioner McLean attended the Rocky Mountain Elk Foundation (RMEF) banquet in Flagstaff; worked at home; attended the Commission Meeting Workshop at Sipes; and was elected to the nominating committee for the Board of Directors for the National Rifle Association and attended a related meeting in Virginia last week.

Commissioner Golightly attended a group tour of the fire area in the Black Mountains in Region III and discussed related issues; worked on other Commission related business; and attended the RMEF banquet.

Commissioner Martin attended the group tour of the fire area in the Black Mountains along with Commissioner Golightly; met with the Arizona Elk Society; attended the Wildlife for Tomorrow banquet; attended the Commission Meeting Workshop at Sipes; discussed the State Trust Land Reform initiatives with several members of the public; and prepared for this meeting.

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19. Approval of Minutes and Signing of Minutes

The Commission was provided with the August 11-12, 2006 and August 28-29, 2006 Commission meeting minutes for review. The Department will ask for Commission approval of those minutes at the October Commission meeting. The Commission signed the minutes from May 19, 2006, June 23-24, 2006, and July 14, 2006.

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19. Future Agenda Items

Mr. Ferrell reported that he captured seven actions and two future agenda items:

- Strive to incorporate environmental groups into the participants of the OHV working group that is working on the development of the Copper Sticker legislation
- Present valid propositions to the Commission at the October Commission meeting. Include an in-depth discussion of Proposition 207
- Provide the Commission with a list of Legislators that are potentially supportive of the Department's legislative agenda
- Start work with the Town of Buckeye to protect the Department's interest in wildlife recreation in newly annexed lands
- Mail the results of the Northern Arizona Shooting Range sound study to all addressees in the Munds Park zip code
- Evaluate the proposed Springerville Shooting Range site and identify potential timelines and relative cost at the October Commission meeting
- After consulting legal counsel, advise the Commission regarding options on how they could proceed regarding future services by ALS

Commissioner Hernbrode requested a monthly report, beginning in October, of the monthly rulemaking schedule and status update.

Commissioner McLean requested a presentation/discussion of Proposition 207 on the October agenda.

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Meeting adjourned at 5:23 p.m.

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Joe Melton, Chairman

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

Jennifer L. Martin, Member

ATTEST:

Duane L. Shroufe
Secretary and Director